

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL DIVISION  
FRANKLIN COUNTY, OHIO

FILED  
18 JAN 25 PM 2:10

FRANKLIN COUNTY  
MUNICIPAL COURT  
LORIAN TYACK

STATE EX. REL  
COLUMBUS CITY ATTORNEY  
ZACH KLEIN  
375 South High Street, 17th Floor  
Columbus, Ohio 43215

Relator-Plaintiff,

v.

CHARLES P. COOK  
2240 Sunbury Road  
Columbus, Ohio 43219

ALSO AT

1759 Rainbow Park  
Columbus, Ohio 43206

And

SARAH COOK  
2240 Sunbury Road  
Columbus, Ohio 43219

ALSO AT

1759 Rainbow Park  
Columbus, Ohio 43206

ALSO AT

4455 Bitterroot Dr.  
Westerville, Ohio 43081

And

UNKNOWN TENANTS/OCCUPANTS OF  
295 AVONDALE AVENUE  
295 Avondale Avenue  
Columbus, Ohio 43223

And

Case No.

2018 EV H 60037

Judge Daniel R. Hawkins

**UNKNOWN TENANTS/OCCUPANTS OF**  
**297 AVONDALE AVENUE**  
297 Avondale Avenue  
Columbus, Ohio 43223

And

**MORTGAGE ELECTRIC**  
**REGISTRATION SYSTEMS, INC.,**  
P.O. Box 2026  
Flint, Michigan 48501

And

**MIDLAND CREDIT**  
**MANAGEMENT INC.,**  
5775 Roscoe Court  
San Diego, California 92123

And

**AMERICAN EXPRESS BANK FSB**  
2300 Litton Lane, Suite 200  
Hebron, Kentucky 41048

And

**CHERYL BROOKS SULLIVAN**  
**FRANKLIN COUNTY TREASURER**  
373 S. High St., 17<sup>th</sup> Floor  
Columbus, Ohio 43215

And

**REAL PROPERTY AT**  
**295 AVONDALE AVENUE**  
295 Avondale Avenue  
Columbus, Ohio 43223

And

**REAL PROPERTY AT**  
**297 AVONDALE AVENUE**  
297 Avondale Avenue  
Columbus, Ohio 43223

Respondents-Defendants.

**Parcel No. 010-046463**

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## TEMPORARY RESTRAINING ORDER

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This matter came before the Court on January 25, 2018, on Relator's request for a temporary restraining order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondents-Defendant Charles P. Cook and Sarah Cook and any Unknown Tenants/Occupants of 297 Avondale Avenue are occupant(s) (in care or control) of the property located at 297 Avondale Avenue, Columbus, Ohio. Respondents are all persons in charge, care or control of the property—parcel number 010-046463.

On information and belief, Relator asserts the following:

The Columbus Division of Police, Narcotics Bureau, has been investigating the property located at 297 Avondale Avenue, Columbus, Ohio (hereinafter the "premises" or "property") after receiving complaints about on-going drug sales, shots being fired, and illegal activity occurring at the premises. Columbus Police Detectives have made a covert purchase of crack-cocaine at the premises. Columbus Police Detectives executed a search warrant at the premises recently on January 17, 2018. The following was found and/or seized:

- **Semi-automatic weapon**
- **Rifle**
- **4.3 grams of heroin**
- **4.3 grams of crack-cocaine**
- **Four (4) people were inside; one (1) was arrested for Possession of Heroin**  
(Felony in the 4<sup>th</sup> Degree)

Continued illegal drug sales and illegal activity at the property will cause immediate and irreparable harm to the surrounding community. Furthermore, pursuant to R.C. 3767 and Civil Rule 65, Relator has established that exigent circumstances exist to support the issuance of an *ex parte* restraining order in accordance with the Ohio Revised Code.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the premises continues to cause irreparable harm to the community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It is the further ORDER of this Court that all occupants of 297 Avondale Avenue, Columbus, Ohio be forcibly removed from the premises forthwith. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 297 Avondale Avenue, Columbus, Ohio. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of

Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct may be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

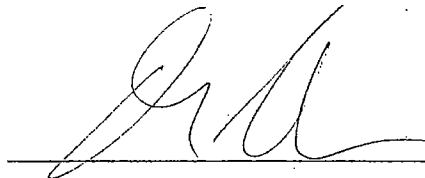
This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 5 day of Feb., 2018 at 1:00 P.M. in courtroom 15B, located on the 15<sup>th</sup> floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said premises at 297 Avondale Avenue with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

**IT IS SO ORDERED.**

1/25/18

DATE



JUDGE DANIEL HAWKINS